

STATEMENT OF PURPOSE

RS19200

The purpose of this legislation is to correct legal audit findings arising from a Federal Motor Carrier Administration review of Idaho statutes.

1. The proposed amendment to Section 49-104 will align Idaho Statutes with the federal definition of conviction for the limited purpose of determining and applying disqualification from commercial motor vehicle driving privileges.
2. The proposed amendment to Section 49-240, relating to bond forfeitures will allow application of the statute to operators of commercial motor vehicles who do not have a Commercial Driver's License (CDL).
3. The proposed amendment to Section 49-335, Idaho code will give the state authority to disqualify a CDL holder or commercial motor vehicle operator if the Federal Motor Carrier Safety Administration (FMCSA) has declared the driver an "imminent hazard". Due process for these types of disqualifications will be handled by the Federal Motor Carrier Safety Administration.
4. The proposed amendment to Section 49-1416 will prohibit masking of convictions if a non-CDL driver was cited while operating a commercial motor vehicle.

FISCAL NOTE

If this legislation passes, there is no fiscal impact to implement these changes, and there will be minimal operational changes.

There is no immediate fiscal impact if the legislation fails. However FMCSA expects states to correct audit findings following an approved action plan. If the state fails to do so, FMCSA could elevate the case to a higher level and declare the state to be in substantial non-compliance at some point. If that should occur, the fiscal impact will be approximately \$6.5 million loss of federal highway funds after the first full year of non-compliance and \$13 million each year thereafter.

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